

**INQUIRY INTO RESPONSE TO MAJOR FLOODING  
ACROSS NEW SOUTH WALES IN 2022**

**Organisation:** Keith Hall Drainage Union

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***Submission to***

***Parliament of New South Wales Legislative Council (Upper House)***

***Select Committee on the Response to Major Flooding  
across New South Wales in 2022***

***From***

**KEITH HALL DRAINAGE UNION**

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(The Keith Hall Drainage Union was established in 1920 to drain the area between German Creek and Keith Hall Estate known locally as the Keith Hall Basin. The area is predominantly used for cultivating sugar cane)

- Agriculture on the Richmond River flood plain began simultaneously with the timber industry. Decisions to clear the flood plain and plant crops was made by governments 170 years ago.
- Decisions were also made by governments to construct infrastructure to allow this to happen – wharves, roads, bridges, culverts, rail lines and flood mitigation infrastructure,
- Flood mitigation infrastructure was constructed, administered and maintained by government to protect lives, property and agricultural production.
- Agriculture is now being blamed for all the ills of the Richmond River and an ideology of returning the floodplain to swamp land is prevalent within NSW Fisheries and amongst some bureaucrats.
- There is no consideration of the effects of the northward migration of sand; the impact of the south wall on siltation of the bar and north creek; the constriction of the river mouth from 2.5 km. to a few hundred metres; the closure of Boundary and Empire Vale (German) Creeks and blocking the Tuckombil Canal, on river health.
- After the 1954 flood in 1959 a statutory flood mitigation body was established by the NSW government for the Richmond River – the Richmond River County Council (RRCC)- whose sole purpose was to create structures, processes, and policies that would mitigate the effects of flooding on this river
- The authority was well funded, well organised and very effective in its role. Perhaps too effective.
- As the structures and processes RRCC created worked to protect communities and allowed agriculture to flourish, its value was taken for granted and communities developed a false sense of security behind its work.
- Funding was cut, staff were lost, maintenance all but ceased and it became absorbed into Rous Water as a further cost cutting measure, under the guise of 'rationalisation'
- This provided opportunities for other government departments facing similar staff cuts to assert their 'relevance' and begin formulation their own river policies, management plans and restrictive rules.
- There are now seven government departments having jurisdiction over land, water, vegetation surrounding flood mitigation infrastructure Local councils, RMS, NSW Fisheries (fish and vegetation) NSWNPWS (marine mammals and reptiles) Crown Lands, DPIE, NSW Maritime. Any can veto works by the Flood Mitigation Authority – NSW Fisheries is most obstructive. (there are other volunteer groups as well – SES, Marine Rescue )

- There is no whole of government approach and common sense has given way to public service over reach and personal ideologies
- Local knowledge and experience is now systematically dismissed by meaningless 'tick the box' consultations, and the use of Project Management Theory 'stakeholder classification matrices' to identify and cater for vocal individuals, while ignoring those with lifelong knowledge and experience. (Usually those with the knowledge and experience are in the older age group and are dismissed because of that alone)
- The end result is:
  - Countless river and coastal zone management plans. Countless different policies procedures permits permissions and red tape developed by a range of government entities that prevents work near and on water.
  - Countless expensive studies that suck funds from on ground works
  - There is no one flood mitigation authority on the Richmond any more
  - There is no upgrading or effective maintenance of flood mitigation infrastructure
  - There is no plan into the future – no 5 year, 10 year, 50 year plan. No costings – for flood mitigation
  - Flood mitigation and river funding has become a 'cash cow' for universities and private consultants
  - There is confused and conflicted legislation compounded by bureaucratic overreach that prevents onground works
  - There is fighting between government departments over jurisdiction, relevance and 'lead agency' status
  - There is a disconnect within the public service between the intent of the legislators, the needs of the community and their individual interpretation of the law.
- The on ground result is:
  - Clogged government owned drain outlets to the river
  - Crumbling government owned flood mitigation infrastructure
  - Blocked Tuckombil Canal
  - Massive siltation and shallowing of the lower river and river mouth
  - Water retention on valuable farmland leading to deoxygenation, loss of crops and threats to livelihoods
  - Potential threats to life and communities
- This is government infrastructure paid for by taxpayers – there is a moral and legal expectation that governments will satisfy their responsibilities to maintain and upgrade this protective infrastructure that they have put in place.
- Much has been made about the impact of climate change after these floods. The question has to be asked ***why would governments put at risk the very crops that drag more carbon out of the air than and other method?.. and are an obvious partial solution to combat climate change***

- Above ground sugar cane plant growing on the Richmond, based on average production figures, captures 5.5 tonne of carbon per hectare per year. The amount sequestered in the soil is being determined by SRA but could be as much as above ground
- Southern Cross University Research has also shown that sugar cane produces huge amounts of stable carbon fixed in plant stones (phytoliths) and that sugar is leads the field in phytolith production. This crop remains the most suitable resilient and productive crop to grow on these three NSW floodplains

**What our members see as essential solutions:**

- 1. A definitive statement that agriculture is a legitimate and valuable use of the Richmond Floodplain***
- 2. Rous County Council be renamed as RICHMOND RIVER FLOOD MITIGATION AUTHORITY with sole powers to plan and conduct long term strategic works, as well as ongoing maintenance and upgrading of existing infrastructure, free from interference from other government departments.***
- 3. Simplification of legislation and jurisdiction over river matters***
- 4. Restoration of Flood Mitigation Infrastructure and the removal and prevention of siltation of the lower river. (This would include cleaning government owned drain outlets, replacing the fixed weir across the Tuckombil Canal, dredging the lower river and installation of a sand bypass on the south wall at Ballina)***
- 5. Constructing additional managed (gated) outlets to the sea at Boundary Creek and possibly Empire Vale to allow more direct and rapid discharge of flood water thereby relieving the Broadwater, Emigrant Creek and North Creek flow conflict.***

*The structures that have protected this community for so long are no longer valued and their relevance is now questioned. Whilst they would not have prevented the March floods, if fully operational, would have lessened its impacts on the mid and lower river at least.*



***H.E.STREET***



***HERMES***

*Both Public Works Bar Dredges regularly dredged from Ballina to Swan Bay*

Michael OConnor  
Secretary  
2/6/22